



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

LCC:ddj

Docket No: 5179-00

6 September 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) Series of Documents
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show he was directed to report to EODGRU One San Diego, CA prior to reporting to the Senior Enlisted Academy (SEA), NETC, Newport, RI. This change will entitle Petitioner to Basic Allowance for Housing (BAH) at an earlier effective date and cost of round trip travel from San Diego, CA to Newport, RI.

2. The Board, consisting of Messrs. Chapman, Pfeiffer, and Ms. Gilbert, reviewed Petitioner's allegations of error and injustice on 6 September 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show that:


a. BuPers order 1408 was modified by BuPers on 17 June 1998 to direct Petitioner to report to his ultimate duty station, EODGRU One, San Diego, CA no later than 5 December 1998 for orientation with the new unit prior to proceeding to the temporary duty station. Petitioner signed in on 5 December 1998 for orientation and signed out on leave at 1600 hours, 7 December 1998. The modification also directed Petitioner to then proceed from San Diego, CA to the SEA, NETC, Newport, RI reporting no earlier than "31 December 1998" vice reporting no earlier than "3 January 1999". Petitioner reported to SEA, NETC, Newport, RI on 31 December 1998. Petitioner will be reimbursed for travel expenses for no more than what the cost of the roundtrip ticket would have been to the US government or actual cost of the ticket whichever is less. Basic Allowance for Housing will be effective 5 December 1998, the date he reported to EODGRU One, San Diego, CA. Leave dates will be adjusted in accordance with this action.

(NOTE: Petitioner should go to the closest facility which can compute travel vouchers and ask them to compute monies due for the travel and per diem part of this action, DFAS-Denver will compute the BAH due. Petitioner must present to the Agency computing the money due a copy of all travel receipts, previous vouchers pertaining to the travel, and a copy of the orders and this action. **The Agency making the computation will not make the actual payment.** Petitioner will then forward the computation of monies due, a copy of this letter and all other vouchers pertaining to this travel to DFAS-DE/FYCC, 6760 E. Irvington Place, Denver, CO 70279-7100.)

b. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


G. L. ADAMS
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

6 September 2000



W. DEAN PFEFFER
Executive Director